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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
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Date Mailed: May 31, 2024  
MOAHR Docket No.: 24-004928  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On April 22, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) closure. Following Petitioner’s hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 30, 2024. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Crystal Jones, Caseworker, appear as its representative. Sara Hoek, Family Independence Manager, appeared as a witness for the Department.

A 13-page packet of documents provided by the Department was admitted collectively as the Department’s Exhibit A.

A 1-page document was also provided by the Department and was admitted as the Department’s Exhibit B.

**ISSUE**

Did the Department properly close Petitioner’s FAP benefit case?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On ██████████, 2024, Petitioner filed an application for SER assistance and reported her mailing address as: ██████████ MI ██████████ Exhibit B, p. 1.
2. On March 25, 2024, the Department mailed a new hire client notice to Petitioner’s last-known address of record (██████████, MI ██████████). The Department stated that Petitioner must complete the notice by April 4, 2024, or her FAP benefits would end. Exhibit A, pp. 7-9.

3. On April 8, 2024, the March 25, 2024, new hire client notice was returned to the Department as undeliverable.
4. On April 11, 2024, the Department mailed a notice of case action to Petitioner to notify her that her FAP benefits were closing effective May 1, 2024, because requested verifications were not received. *Id.* at pp. 11-12.
5. On April 22, 2024, Petitioner requested a hearing to dispute the Department's decision.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The FAP is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner is disputing the Department's decision to close her FAP benefit case. The Department closed Petitioner's FAP benefit case because Petitioner did not return the March 25, 2024, new hire client notice needed to determine her eligibility for FAP benefits.

Verification is usually required by the Department at the time of application/redetermination or for a reported change affecting eligibility or benefit level. BAM 130 (January 1, 2023), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

In this case, the Department provided credible evidence that the March 25, 2024, new hire client notice was mailed to Petitioner's last-known mailing address as reported by Petitioner on the February 24, 2024, assistance application but was returned to the Department as undeliverable on or around April 8, 2024. See Exhibit B, p. 1. Petitioner testified that on April 2, 2024, she was advised by her caseworker of the March 25, 2024, new hire client notice. No evidence was presented by Petitioner to show that she timely provided the requested information. Further, Petitioner failed to show that she provided the Department with her complete mailing address.

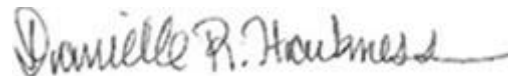
At the hearing, Petitioner was encouraged to re-apply for benefits if she is still in need of benefits. Further, Petitioner was reminded to provide the Department with her full mailing address when applying for benefits.

Based on the evidence presented, Petitioner failed to establish that she cooperated with the Department in providing verification needed to determine her FAP eligibility. Therefore, the Department properly closed Petitioner's FAP benefit case.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with its policies and the applicable law when it closed Petitioner's FAP benefit case.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



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**Danielle R. Harkness**  
Administrative Law Judge

DH/pt

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

